

REMARKS

In response to the Office Action dated December 4, 2002, Applicant respectfully requests reconsideration and withdrawal of the rejections set-forth in the Office Action in view of the above amendments and the following remarks.

Information Disclosure Statement

Applicants thank the Examiner for his remarks and submit a proper information disclosure statement herewith.

Drawings

Applicants submit herewith new drawings. No new matter has been added. Applicants have identified the roughened areas in accordance the diagram on page 600-96, section 608.02. using the "stipple" pattern. Support for the roughened bowl surfaces can be found throughout the specification, specifically on page 6, lines 2-3. Applicants submit that the lens referred to in Fig. 5 is not adhering to the bowl but simply resting thereon. The scale of the drawing makes it difficult to detect the roughened surface.

Specification

The Examiner has objected to the disclosure because of certain formalities enumerated in the Official Action. The Applicants have above made appropriate corrections to the specification, specifically by changing the superscripts and eliminating contradictory language.

Double Patenting

The Examiner has rejected claims 5-7 for double patenting bases on 35 U.S.C. 101 in light of U.S. Patent No. 6,050,398. The Applicants have above amended claims 5-7, and it is believed that based on these amendments, the Examiner's rejection is respectfully traversed.

Claim Rejections – 35 USC 103

The Examiner has rejected claims 1-4 under 35 USC 103 as unpatentable over Wilde et al. in view of Poler. For the following reasons, the Examiner's rejection is respectfully traversed.

Applicants' invention is not obvious in light of Wilde and Poler because the references combined do not meet all the limitations of the claimed invention. As stated in the MPEP at

706.02(j), to establish a prima facie case of obviousness the "prior art reference (or references combined) must teach or suggest all the claim limitations." As the Examiner notes, Wilde et al. does not disclose a surface roughness sufficient to maintain capillary attraction while preventing adhesion of any portion of the front surface of the silicone hydrogel based contact lens to the bowl. On the other hand, neither does Poler. Poler teaches a **lens** which has a roughened haptic, but does not teach or suggest anything related to a roughened **lens package**. Thus, neither of the references cited teach a package having a roughened bowl. The references combined do not teach all the limitations of the Applicants' claims, and as such, the Examiner's rejection is respectfully traversed.

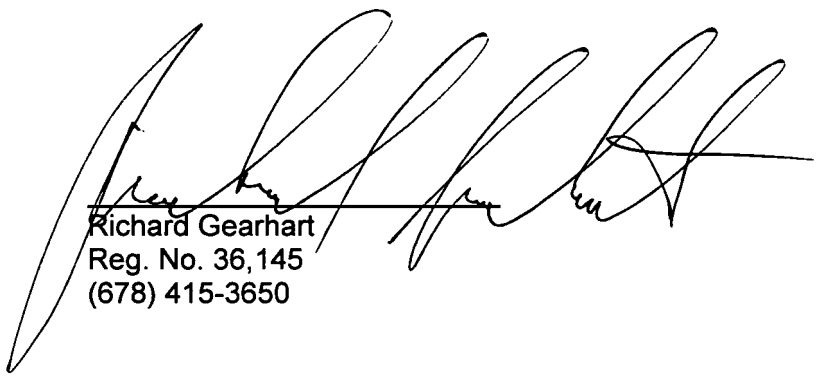
Moreover, there is not the requisite motivation to combine the references. The skilled artisan would not be motivated to roughen the bowl of Wilde to reduce adhesion of a contact lens based on the teaching in Poler. Poler teaches roughening a to **increase** adhesion of a lens to an eye. This is completely different from Applicant's use, which is to roughen a surface to **reduce** adhesion. Poler therefore teaches away from the Applicant's invention, and as such, the Examiner's rejection is respectfully traversed.

CONCLUSION

In view of the foregoing and in conclusion, Applicant submits that the rejections and objections set-forth in the Office Action have been overcome, and that all pending claims are now in condition for allowance.

Should the Examiner believe that a telephonic discussion with Applicant's representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Thomas Hoxie, Novartis Corporation, Patent & Trademark Department, 564 Morris Ave., Summit, NJ 0790-1027. The Commissioner is hereby authorized to charge any other fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 19-0134.

Respectfully submitted,



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